

COPY

ORIGINAL FILED

NOV 08 2010

LOS ANGELES
SUPERIOR COURT

Timothy M. Muscat (State Bar No. 148944)
Susan Saylor (State Bar No. 154592)
Bruce W. Carter (State Bar No. 223906)
DEPARTMENT OF FAIR EMPLOYMENT AND
HOUSING
1515 Clay Street, Suite 701
Oakland, CA 94612-1460
Telephone: (510) 873-6457
Facsimile: (510) 873-0840

Attorneys for the Department of Fair Employment
and Housing

Robert A. Naeve (State Bar No. 106095)
Ruth M. Holt (State Bar No. 223152)
JONES DAY
3161 Michelson Drive, Suite 800
Irvine, CA 92612-4408
Tel: (949) 851-3939
Fax: (949) 553-7539

Attorneys for Defendant Verizon Services Corporation,
dba Verizon California, Inc.

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

THE DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING, an
agency of the State of California,

Plaintiff,

vs.

VERIZON SERVICES CORPORATION, a
Delaware Corporation, dba VERIZON
CALIFORNIA, INC.,

Defendants.

ALICIA DENISE SEALES, ALMA
ARANDA, OFELIA CABANA FANOL,
HEATHER DOWL-LEE, VERONICA
BARCELO, ERICA DIAZ, KIMBERLY
GONZALEZ, CYNTHIA MARTINEZ,
TANYA DENNIS, KATRINA GRANT, and
a class of similarly situated others,

Real Parties in Interest.

Case No. BC444066

Assigned for all purposes to:
Hon. Anthony J. Mohr, Dept. 309

**NOTICE OF MOTION AND JOINT
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: November 23, 2010
Time: 9:00 a.m.
Place: Dept. 309

1 TO THE COURT AND ALL INTERESTED PARTIES:

2 PLEASE TAKE NOTICE that at 9:00 a.m. on November 23, 2010, or as soon thereafter
3 as counsel may be heard, in Department 309, Central Civil West, of the above entitled Court
4 located at 600 South Commonwealth Ave., Los Angeles, California, the California Department of
5 Fair Employment and Housing ("DFEH" or the "Department") and Verizon California, Inc.¹
6 ("Verizon"), will and do hereby jointly move the Court for an order:

- 7 i. Preliminarily certifying, for settlement purposes only, a class of individuals
8 that shall include "all current and former Verizon employees who applied
9 to take CFRA-protected leaves of absence from June 18, 2007 to [the date
10 upon which the Court preliminarily approves the settlement]" (the "CFRA
11 Class");
- 12 ii. Appointing the DFEH as counsel on behalf of the CFRA Class in the
13 matter of *The Department of Fair Employment and Housing vs. Verizon*
14 *Services Corporation dba Verizon California, Inc.*, Case No. BC 444066
15 (the "CFRA Action") for purposes of settlement only;
- 16 iii. Provisionally approving all terms of the settlement agreement reached by
17 the DFEH, the Real Parties-In-Interest (Alma Aranda, Ofelia Cabana Fanol,
18 Heather Dowl-Lee, Veronica Barcelo, Erica Diaz, Kimberly Gonzalez,
19 Cynthia Martinez, Tanya Dennis and Katrina Grant), and Verizon as set
20 forth in the Settlement and Release of All Claims Agreement ("Settlement
21 Agreement") attached as Exhibit 1 to the Declaration of Robert A. Naeve
22 In Support Of Joint Motion for Preliminary Approval of Class Action
23 Settlement;
- 24 iv. Appointing Alma Aranda, Ofelia Cabana Fanol, Heather Dowl-Lee,
25 Veronica Barcelo, Erica Diaz, Kimberly Gonzalez, Cynthia Martinez,
26

27
28 ¹ Verizon California, Inc. was erroneously named in the complaint as Verizon Services
Corporation dba Verizon California, Inc.

1 Tanya Dennis and Katrina Grant as representatives of the CFRA Class
2 ("CFRA Class Representatives") for purposes of settlement only;

3 v. Appointing and approving Simpluris, Inc. as the claims administrator
4 responsible for administering the notice and claims procedures required by
5 the Settlement Agreement ("Claims Administrator");

6 vi. Approving the Notice of Class Action Settlement in the CFRA Action
7 ("Notice"), the accompanying CFRA Class Claim And Release Form
8 ("Claim Form"), and the CFRA Class Opt-Out Form ("Opt-Out Form"),
9 collectively attached as Exhibit "A" to the Settlement Agreement;

10 vii. Authorizing the mailing of the Notice of Class Action Settlement and
11 accompanying forms to the CFRA Class Members; and

12 viii. Confirming that a hearing to fully and finally approve the reasonableness
13 of the Settlement will be scheduled within a reasonable period of time after
14 the claims procedures outlined in Sections 5 and 6 of the Settlement
15 Agreement have been fully completed (the "Final Settlement Approval
16 Hearing").

17 This motion is made on the grounds that the Department of Fair Employment and Housing
18 is eminently qualified to serve as class counsel, the proposed settlement is fair, reasonable and
19 adequate, the proposed class meets all the requirements for treatment as a settlement class, and on
20 the grounds that the proposed notice plan satisfies due process requirements.

21 The motion is based on this Notice, the accompanying Memorandum of Points and
22 Authorities in Support of Joint Motion for Preliminary Approval of Class Action Settlement, the
23 supporting Declarations of Timothy M. Muscat and Robert A. Naeve, all matters of which the
24 Court may take notice, and all other oral and documentary evidence that may be presented at the
25 hearing on this Motion.

26 ////

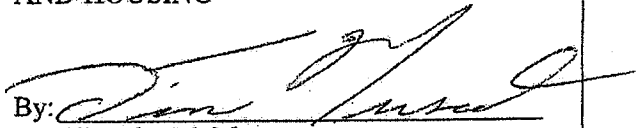
27 ////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted,

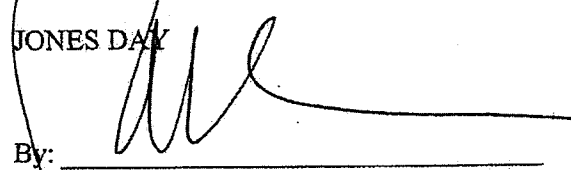
Dated: November 5, 2010

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING

By: 
Timothy M. Muscat

Attorneys for the California Department of
Fair Employment and Housing

Dated: November 8, 2010

JONES DAY
By: 
Robert A. Naeve

Attorneys for Defendant
Verizon Services Corporation dba Verizon
California, Inc.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 555 South Flower Street, Fiftieth Floor, Los Angeles, California 90071-2300. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On November 8, 2010, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

**NOTICE OF MOTION AND JOINT MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT**

in a sealed envelope, postage fully paid, addressed as follows:

Susan Saylor	Attorneys for Plaintiff
Bruce W. Carter	
DFEH	
1515 Clay Street, Suite 701	
Oakland, CA 94612	

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 8, 2010, at Los Angeles, California.


Jennifer Gutierrez